

State of Utah
Administrative Rule Analysis

NOTICE OF 120-DAY (EMERGENCY) RULE

The agency identified below in box 1 provides notice of a 120-day (emergency) rule pursuant to Utah Code Section 63-46a-7. Please address question regarding information on this notice to the agency.

DAR file no:	28586	Date filed:	3/31/2006
Utah Admin. Code ref. (R no.):	R15-4	Time filed:	9:41:59 AM

1. Agency: Room no.: Building: Street address 1: Street address 2: City,state,zip: Mailing address 1: Mailing address 2: City,state,zip: Contact person(s): Name: Kenneth A. Hansen	Administrative Services/Administrative Rules 4120 STATE OFFICE BLDG 450 N MAIN ST SALT LAKE CITY, UT 84114-1201 PO BOX 141007 SALT LAKE CITY, UT 84114-1007 <table style="width: 100%;"><tr><td style="width: 25%;">Phone:</td><td style="width: 25%;">Fax:</td><td style="width: 25%;">E-mail:</td><td style="width: 25%;">Remove:</td></tr><tr><td>801-538-3777</td><td>801-538-1773</td><td>khansen@utah.gov</td><td></td></tr></table>	Phone:	Fax:	E-mail:	Remove:	801-538-3777	801-538-1773	khansen@utah.gov	
Phone:	Fax:	E-mail:	Remove:						
801-538-3777	801-538-1773	khansen@utah.gov							

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline): Administrative Rulemaking Procedures
3.	Effective Date (mm/dd/yyyy) : 4/15/2006
4.	Purpose of the rule: During the 2006 General Session, the Legislature passed H.B. 316 (UT L 2006 ch 141). Among other things, H.B. 316 added a requirement that an agency must wait seven days after the close of the public comment period before it may make a proposed rule effective. This emergency rule makes the Division's existing rules consistent with H.B. 316.
5.	Summary of the rule change: This emergency rule, effective April 15, 2006, temporarily amends Sections R15-4-4 and R15-4-5 making them consistent with Subsection 63-46a-4(10) as amended by H.B. 316. The emergency rule clarifies that administrative rules filed for publication prior to May 1 are subject to the existing law, and rules filed for publication on May 1 or later are subject to the law as amended by H.B. 316. H.B. 316 goes into effect on May 1, 2006. Nothing in the statute or this rule prevents an agency from waiting the seven days before making a rule effective that was filed prior to May 1.
6.	Regular rulemaking would: <input type="checkbox"/> cause an imminent peril to the public health, safety, or welfare; <input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or <input checked="" type="checkbox"/> place the agency in violation of federal or state law.

	<p>Specific reason and justification: The Legislature changed provisions of the rulemaking act that go into effect on May 1, 2006. The division's existing rule is not consistent with the new law. The division is unable to use regular rulemaking to have a rule in effect by May 1, 2006.</p>
7.	<p>Aggregate anticipated cost or savings to: A) State budget: This rule imposes no impact to the state budget. This emergency rule only makes the division's rule consistent with H.B. 316. Any impact related to this change was taken into account by the fiscal note to H.B. 316. B) Local government: The division does not regulate local government. Therefore, there is no impact to local government. C) Other persons: This rule imposes no impact to other persons. This emergency rule only makes the division's rule consistent with H.B. 316. Any impact related to this change was taken into account by the fiscal note to H.B. 316.</p>
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): The division does not regulate persons. Therefore, there is no impact to persons as a result of this emergency rule.</p>
9.	<p>Comments by the department head on the fiscal impact the rule may have on businesses: This emergency rule brings the division's existing rules into compliance with Subsection 63-46a-4(10) as amended by H.B. 316. It does not have any fiscal impact on business.</p>
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): Sections 63-46a-4, and 63-46a-10</p>
11.	<p>This rule adds, updates, or otherwise changes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p>
12.	<p>Indexing information - keywords (maximum of four, in lower case): administrative law</p>
13.	<p>Attach an RTF document containing the text of this rule change (filename): There is currently a document associated with this filing. Rule Text</p>
<p>To the agency: Information requested on this form is required by Section 63-46a-4,7, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date and publication in the <i>Utah State Bulletin</i>.</p>	

AGENCY AUTHORIZATION

Agency head or designee, and title:	Kenneth Hansen Director	Date (mm/dd/yyyy):	3/15/2006
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Non Printable

R15. Administrative Services, Administrative Rules.

R15-4. Administrative Rulemaking Procedures.

R15-4-4. Thirty-day Comment Period for a Proposed Rule.

(1) For the purposes of [~~Subsections 63-46a-4(6) and 63-46a-4(7)~~]~~Section 63-46a-4, [and in conformity with Utah Rules of Civil Procedures, Rule 6 (a);]~~"30 days" shall be computed by:

(a) counting the day after publication of the rule as the first day; and
(b) counting the thirtieth consecutive day after the day of publication as the thirtieth day, unless

(c) the thirtieth consecutive day is a Saturday, Sunday, or holiday, in which event the comment period runs until 5 p.m. the next regular business day.[

~~——— (2) A rule may be made effective on the day after the comment period expires.]~~

R15-4-5. Notice of the Effective Date [~~of a~~]for a Proposed Rule.

(1) (a) Upon expiration of the comment period designated on the rule analysis and filed with the rule, and before expiration of 120 days after publication of a proposed rule, the agency proposing the rule shall notify the division of the date the rule is to become effective and enforceable.

(b) The agency shall notify the division after determining that the proposed rule, in the form published, shall be the final form of the rule, and after informing the division of any nonsubstantive changes in the rule as provided for in Section R15-4-6.

(2) (a) The agency shall notify the division by filing with the division a form designated for that purpose indicating the effective date.

(b) If the form designated is unavailable to the agency, the agency may notify the division by any other form of written communication clearly identifying the proposed rule, stating the date the rule was filed with the division or published in the bulletin, and stating its effective date.

(3)(a) The date designated ~~as the effective date~~ shall be after the comment period specified on the rule analysis.

~~——— (b) As provided by Subsection 63-46a-4(10):~~

~~——— (i) for a proposed rule filed through April 30, 2006, the agency may designate the effective date as early as the day after the comment period expires; or~~

~~——— (ii) for a proposed rule filed on or after May 1, 2006, the agency may not designate an effective date that is earlier than the eighth day after the comment period expires.~~

(4) The division shall publish the effective date in the next issue of the bulletin~~[and digest]~~. There is no publication deadline for a notice of effective date, nor requirement that it be published prior to the effective date.

KEY: administrative law

Date of Enactment or Last Substantive Amendment: [~~July 1, 1998~~]April 1, 2006

Notice of Continuation: September 29, 2005

Authorizing, and Implemented or Interpreted Law: 63-46a-10, 63-46a-4